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18.03.2021.
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**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM 277 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 25.02.2021 in connection with Sahebganj Police Station Case No.307 of 2020 dated 27.07.2020 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re: Paresh Sen

... petitioner.

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha

... for the petitioner.

Mr. Arun Kumar Sarkar,
Mr. Saikat Chatterjee

... for the State.

Leave is granted to the learned advocate-on-record for the petitioner to amend the cause title during the course of the day.

Learned advocate for the petitioner submits that the vehicle-in-question belongs to petitioner and he authorised his agent to ply the vehicle and he is no way involved in the alleged offence.

Learned advocate appearing for the State opposes the prayer for bail and submits that the vehicle-in-question is a private vehicle and, as such, without being authorised by the concerned Motor Vehicle Department, the owner could not have allowed any other person to ply the vehicle.

Admittedly, when the vehicle-in-question was seized, it was carrying contraband articles above commercial quantity and the ownership of the vehicle is not in dispute.

Having regard to the material evidence on record disclosing *prima facie* involvement of the accused person and in view of the statutory presumption under Section 37 of the NDPS Act, 1985 we do not feel that the petitioner should be enlarged on bail at this stage.

Accordingly, the prayer for bail is rejected.

It is desirable that the learned trial court will make all endeavour to expedite the trial.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)